

Application No. 10/665,802
Amendment dated February 14, 2006
Reply to Office Action of November 22, 2005

REMARKS:**Status Of Claims**

Claims 1-46 were previously pending. Claims 1, 6, 8, 12-14, 16, 21, 29, 35, 37, 43, and 44 have been amended. Claims 5, 11, 22, 34, and 42 have been canceled without prejudice or disclaimer. Thus, claims 1-4, 6-10, 12-21, 23-33, 35-41, and 43-46 are currently pending in the application with claims 1, 8, 14, 21, 29, 37, and 44 being independent.

Office Action

In the office action, the Examiner rejected claims 1-15, 20-41, and 44-46 under 35 U.S.C. § 102(b) as being anticipated by Fruchterman et al., U.S. Patent No. 5,470,233.

The Examiner also rejected claims 16-19 under 35 U.S.C. 103(a) as being unpatentable over Fruchterman in view of Kronfeld, U.S. Patent No. 6,577,947. The Examiner also rejected claims 42 and 43 under 35 U.S.C. 103(a) as being unpatentable over Fruchterman. Applicant respectfully submits that the currently pending claims distinguish the present invention over Fruchterman, Kronfeld, and the other prior art references taken alone or in combination.

Specifically, claims 1, 8, and 14 each now recite "analyzing cartographic data for a predetermined area around the present location for user identified criteria to avoid, wherein a shape of the predetermined area is based on a heading". Similarly, claim 29 now recites "analyzing cartographic data for a predetermined area around the present location for user

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identified criteria to avoid, wherein a size of the predetermined area is based on a speed". Finally, claim 44 now recites "analyzes cartographic data for a predetermined area around the present location value for user identified criteria to avoid, wherein a size and shape of the predetermined area is based on a speed and heading". Support for these amendments can be found, among other places, on page 18, lines 5-13, of the present specification, which states:

The predetermined area 474 can have a number of predetermined shapes. For example, the predetermined area 474 can include radii extending to form a sector of a circle from the present location 476. For example, the area defined by the sector of the circle can extend for a predetermined distance along a heading 478 (shown as a dotted line) from the present location 476. The heading 478 can be determined, for example, through the use of a track log. In addition, the size of the predetermined area can be determined based on a number of factors, including, but not limited to, the speed at which the device is traveling, track log information, and the nature of the terrain over which the device is traveling.

In contrast, neither Fruchterman nor Kronfeld discloses a size or shape of the predetermined area being based on a speed or heading. In fact, Kronfeld explicitly discloses the "size and shape [being based on a] confidence in the position of the vehicle and to the target type". Column 15, lines 49-51. As a result, no combination of Fruchterman and/or Kronfeld discloses, suggests, or makes obvious the limitations of claims 1, 8, 14, 29, or 44.

Claim 16 recites "wherein the predetermined area includes radii extending along the heading from the present location". Claim 17 recites "wherein the radii includes an angle formed from line segments emanating from the present location". Claim 18 recites

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"wherein the angle includes selectable values of greater than 0° degrees to 360° degrees".

Claim 19 recites "wherein the radii extend a predetermined distance along the heading from the present location".

In contrast, on page 8, the Examiner acknowledges that Fruchterman does not teach these limitations. However, the Examiner mistakenly asserts that Kronfeld does. However, as discussed above, Kronfeld also fails to disclose the predetermined are being based on the heading. As a result, no combination of Fruchterman and/or Kronfeld discloses, suggests, or makes obvious the limitations of claims 16-19.

Claim 21 now recites "determining a heading, wherein determining the heading includes determining the heading from an electronic compass signal". It should be noted that claim 21 now includes the limitations previously found in claim 22. In rejecting claim 22, the Examiner mistakenly stated "GPS data includes the equivalent of an electronic compass signal". In contrast, typical GPS data is limited to position information, rather than orientation or heading information, which is provided by an electronic compass signal. Specifically, GPS data can tell a user where they are, but cannot typically tell a user in which direction they are facing. In some GPS devices, heading is inferred through the use of a track log. However, even this is not equivalent to an electronic compass signal.

For example, suppose a user powers on a GPS device and remains still. Here, a typical GPS device will be able to determine the user's location, but will be at a complete loss as to the user's orientation or heading. This is because there is no track log from

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which to infer the user's orientation or heading. In contrast, an electronic compass would recognize the user's true orientation or heading.

As another example, suppose a user walks down a path, stops, and turns around. In this case, a typical GPS device will indicate that the user is still headed down the path. This is because the track log indicates the user's last inferred orientation or heading. In contrast, an electronic compass would recognize the user's turn and therefore indicate the user's true orientation or heading. Thus, typical GPS data is simply not the equivalent of an electronic compass signal. As a result, no combination of Fruchterman and/or Kronfeld discloses, suggests, or makes obvious "determining a heading, wherein determining the heading includes determining the heading from an electronic compass signal", as claimed in claim 21.

Claim 37 now recites "a transceiver operably coupled to the processor to wirelessly transmit and receive voice data signals with an electronic device". It should be noted that claim 37 now includes the limitations previously found in claim 42. For example, as stated on page 5, lines 1-11:

In an additional embodiment, the navigation device 200 of the present invention can further include two-way voice communication capabilities (e.g., two-way radio or cellular communication) and capabilities for receiving weather alert broadcasts, such as those transmitted under the authority of the National Oceanic and Atmospheric Administration (NOAA). One example of a navigation device 200 having two-way voice communication capabilities includes a navigation/communication device sold under the trade designator RINO, as manufactured by Garmin International, Inc. of Olathe, KS. The RINO is a global positioning system (GPS)-integrated Family Radio Service (FRS)/General Mobile Radio Service (GMRS) navigation device. Embodiments of the present invention can also be used in other devices having GPS and radio communication capabilities.

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Thus, the claimed invention includes two-way voice communication capabilities, as claim 37 requires both transmission and reception of voice signals.

In contrast, Fruchterman discloses absolutely no capability to "transmit and receive voice data signals". The Examiner points to Fruchterman's voice synthesis. However, this is merely for voice guidance, as determined by Fruchterman's device, rather than any two-way voice communication capability. As a result, no combination of Fruchterman and/or Kronfeld discloses, suggests, or makes obvious "a transceiver operably coupled to the processor to wirelessly transmit and receive voice data signals with an electronic device", as claimed in claim 21.

The remaining claims all depend directly or indirectly from independent claims 1, 8, 14, 21, 29, 37, or 44, and are therefore also allowable.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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